IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No.1889 of 2007

1. Shri Shankar Maruti
Surwase and others ..Petitioners

vs.

1. Shri Kalyanrao Shivaji Ingle
and others ..Respondents

Shri S.S.Shah for petitioners.
A.G.P. for respondent no.2.

CORAM: S.C.DHARMADHIARI J.
7th December, 2007

P.C.

1. This writ petition under Article 227 of the Constitution of India is directed against the order made on Civil Misc.Application No.277 of 2006 and more particularly below Exh.6 therein. It is undisputed before me that the main civil misc.application is pending. Exh.6 was filed claiming stay to the order dated 10th August, 2005 which is impugned in the Civil Misc.Application. That is the order passed in Enquiry Case No.11 of 2005 by the Asstt.Charity Commissioner, Solapur on 10th August, 2005. The order under challenge has been delivered on 7th November, 2006. It being an interlocutory order and both proceedings, namely, the present Civil Misc.Application so also the appeal against the Change Report No.1470 of 2006 being pending, it would not be fair, proper and just to go into

the rival contentions lest any finding even at the prima facie stage by this Court would prejudice the case of the parties. The order under challenge being interlocutory and the injunction has been refused as early as on 7th November, 2006, I see no reason to go into any further details. However, it is clarified that all observations in the order under challenge are tentative and prima facie. They shall not preclude the petitioners from urging appropriate contentions on merits and in accordance with law. Further, the Appellate Authority in this case shall not be influenced by any observations while deciding the Civil Misc.Application finally. It shall also not be influenced by the observation regarding availability of some remedy for the present petitioners to impugn the order of 10th August, 2005. Such remedy is not available is the contention of Shri Shah before me. Even this aspect is kept open for being adjudicated during the course of hearing Civil Misc.Application. With this clarification the petition is dismissed. The learned Judge to whom the matter is assigned to endeavour to dispose of the same as expeditiously as possible.

(S.C.DHARMADHIKARI J.)